

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 84405	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US02/04714	International filing date (day/month/year) 12 February 2002 (12.02.2002)	Priority date (day/month/year) 14 February 2001 (14.02.2001)
International Patent Classification (IPC) or national classification and IPC IPC(7): B23B 31/30 and US Cl.: 279/2.08, 4.03		
Applicant COMMAND TOOLING SYSTEMS, LLC		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 8 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

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Date of submission of the demand 26 July 2002 (26.07.2002)	Date of completion of this report 27 September 2003 (27.09.2003)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Daniel W. Howell Telephone No. 703-308-1148  <i>Sheila H. Veney</i> Pat. Legal Specialist Tech. Center 3700

Form PCT/IPEA/409 (cover sheet)(July 1998)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US02/04714

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

☐ the international application as originally filed.☒ the description:

pages 1-25, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

☒ the claims:

pages 26-33, as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages 34-41, filed with the letter of 11 July 2003 (11.07.2003)

☒ the drawings:

pages 1-13, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

☐ the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☒ The amendments have resulted in the cancellation of:☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig NONE5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US02/04714

## V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. STATEMENT

Novelty (N)	Claims <u>3, 5, 8, 9, 14-32, 34, 35, 40</u>	YES
	Claims <u>1, 2, 4, 6, 7, 10-13, 33, 36-39</u>	NO
Inventive Step (IS)	Claims <u>3, 5, 8, 9, 15-32, 34, 35, 40</u>	YES
	Claims <u>1, 2, 4, 6, 7, 10-14, 33, 36-39</u>	NO
Industrial Applicability (IA)	Claims <u>1-40</u>	YES
	Claims <u>NONE</u>	NO

## 2. CITATIONS AND EXPLANATIONS

Claims 1, 2, 4, 6, 7, 10 and 33 lack novelty under PCT Article 33(2) as being anticipated by Schmeisl.

Claims 1, 2, 6, 7, 10, and 33 lack novelty under PCT Article 33(2) as being anticipated by Laube '003.

Claims 2, 10, and 33 lack novelty under PCT Article 33(2) as being anticipated by Hofer.

Claims 11-13 and 36-39 lack novelty under PCT Article 33(2) as being anticipated by Konig.

Claims 11-13 lack novelty under PCT Article 33(2) as being anticipated by Winnen et al.

Claim 14 lacks an inventive step under PCT Article 33(3) as being obvious over Laube '243 in view of Danielsen. Laube '243 discloses the invention essentially as claimed, but does not show the rearward hydraulic shank clamping means being actuated by the same hydraulic circuit as the hydraulic tool clamping means. Danielsen shows that it is known to both secure a tool holder into place and to secure the tool into place with the same hydraulic circuit actuating flexible walls that clamp outwardly and inwardly at the same time. It is considered to have been obvious to have provided Laube '243 with the shank including an outward acting clamping means that is hydraulically linked to the tool clamping means, in order to achieve a tool holder that is quickly and easily clamped into place on the machine and clamps the tool.

Claims 3, 5, 8, 9, 15-32, and 34, 35, and 40 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest piston in radial alignment with the first and second actuator access ports of claim 3, the three annular positioning rings of claims 5, 8, 9, 19, and 40, and inserting a piston pin into the hole in the seal of claim 15, 17 and 18.

Claims 1-40 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 2, 4, 9, 15-17, 23, 28, 33, 36, 37, and 38 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 9, 23, 28, 33, 36, 37, and 38 are indefinite for the following reason(s): In line 1 of claim 9, there is no antecedent basis for "the hydraulic circuit." Claims 23 and 28 are improper multiple dependent claims, as claims must be referred to in the alternative. Claims 2, 33, and 37 should more clearly state that the cartridge shell surrounds the cartridge body. As written, the punctuation and lettering within these claims render them awkwardly worded. The nosepiece of claim 36 does not have antecedent basis. The piston cylinder of claims 15 and 17 does not have antecedent basis in all of the claims from which they depend.